

Sim, Lowman, Ashton & McKay LLP
Barristers & Solicitors

Sim & McBurney
Patent & Trade Mark Agents

6th Floor, 330 University Avenue
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Tel. (416) 595-1155 • Fax (416) 595-1163

OCT 18 2006

DATE: October 18, 2006

Application No: 10/566,082

Our Ref: 7865-276 MIS:jb

TO:	FAX #	PHONE #
US Patent and Trademarks Office Mail Stop Petition	(571) 273-8300	

Total Number of Pages (Including This Page): 23

FROM: Michael I. Stewart / (416) 849-8400

COMMENTS:

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T-357 P.002/023 F-876

OCT 18 2006

PTO/SB/21 (09-04)

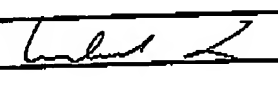
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/566,082
	Filing Date	
	First Named Inventor	Brent E. Green
	Art Unit	
	Examiner Name	
	Attorney Docket Number	7885-276 Misc
Total Number of Pages in This Submission	22	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration with Exhibits I to III
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sim & McBurney		
Signature			
Printed name	Michael I. Stewart		
Date	October 18, 2006	Reg. No.	24,973

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature		Date	October 18, 2006
Typed or printed name	Michael I. Stewart		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

if you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n. No. : 10/566,082
Applicant : Brent E. Green
Title : PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE
Docket No. : 7865-276 MIS/jb
Customer No.: 24223
Date : October 18, 2006

BY FACSIMILE (571) 273-8300

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

PETITION TO ACCEPT APPLICATION UNDER 37 CFR 1.47(a)

Petition is hereby made under the provisions of 37 CFR 1.147(a) to proceed with this application in the absence of a Declaration and Power of Attorney signed by inventor Radka Milanova.

Submitted herewith in support of this Petition are:

1. Declaration and Power of Attorney document signed by Brent E. Green and James Logie.
2. Declaration and Power of Attorney signed by Brent E. Green, and James Logie on behalf of Radka Milanova.
3. Copy of Notification of Missing Requirements. Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of four months of the period for submission of a response to the Notification of Missing Requirements.
4. Authorization to charge the Extension Fee, Surcharge Fee and Petition Fee to our deposit account, and

Application No.: 10/566,082
Petition dated: October 13, 2006

2

5. Declaration of Michael I. Stewart with respect to the facts upon which this Petition is based.

Having regard to the contents hereof, it is submitted that the Petition should be granted.

Respectfully submitted,



Michael I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada
Phone No.: (416) 849-8400
FAX No.: (416) 595-1163

PTO/SB/01 (10-05)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☒ Declaration
Submitted
With Initial
Filing

OR

☐ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

 Attorney Docket
Number 7865-276 MIS:jb

First Named Inventor Brent E. Green

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

30/07/2004

as United States Application Number or PCT International

Application Number PCT/CA2004/001433 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/01 (10-05)

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ The address associated with Customer Number: OR ☒ Correspondence address below

Name

Sim & McBurney

Address

6th Floor, 330 University Avenue

City

Toronto

State

Ontario

ZIP

M5G 1R7

Country

Canada

Telephone

(416) 595-1155

Email

mailsim@sim-mcburney.com

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Brent E.

Family Name or Surname

Green

Inventor's Signature

Date

March 7/06

Residence: City

Winnipeg - Warren

State

Manitoba

Country

Canada

Citizenship

Canadian

Mailing Address

588 Rathgar Avenue

Box 603

City

Winnipeg - Warren

State

Manitoba

Zip

R2L 1R7

Country

Canada

☒ Additional inventors or a legal representative are being named on the

supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

(Page 2 of 2)

PTO/SB/02A (09-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>3</u> of <u>3</u>	

Name of Additional Joint Inventor, if any:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Radka		Milanova	
Inventor's Signature		Date	
Vancouver Residence: City	British Columbia State	Canada Country	Canadian Citizenship
605-1749 Robson Street			
Mailing Address			
Vancouver City	British Columbia State	V6G 1E1 Zip	Canada Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
James		Logie	
Inventor's Signature <i>James Logie</i>		Date <i>March 13/06</i>	
Winnipeg Residence: City	Manitoba State	Canada Country	Canadian Citizenship
c/o Burcon Nutrascience (MB) Corp., 1388 Weller Avenue			
Mailing Address			
Winnipeg City	Manitoba State	R3T 1R9 Zip	Canada Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/01 (10-05)

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☒ Declaration
Submitted
With Initial
Filing

OR

☐ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

Attorney Docket
Number 7885-278 MS:jb
First Named Inventor Brant E. Green

COMPLETE IF KNOWN

Application Number 10/586,082
Filing Date
Art Unit
Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

(Title of the invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

30/07/2004

as United States Application Number or PCT International

Application Number PCT/CA2004/001433 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 385(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/026 attached hereto.


(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PAGES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION -- Utility or Design Patent Application			
Direct all correspondence to: <input type="checkbox"/>	The address associated with Customer Number: <input type="text"/>	OR <input checked="" type="checkbox"/> Correspondence address below	
Name Sim & McBurney			
Address 6th Floor, 330 University Avenue			
City Toronto	State Ontario	ZIP M5G 1R7	
Country Canada	Telephone (416) 595-1155	Email malisim@sim-mcburney.com	
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)) Brent E.		Family Name or Surname Green (on behalf of Radka Milanova)	
Inventor's Signature 		Date Oct 4/06	
Residence: City Winnipeg	State Manitoba	Country Canada	Citizenship Canadian
Mailing Address Box 603			
City Winnipeg	State Manitoba	Zip R0C 3E0	Country Canada
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

PTO/SB/02A (09-04)
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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DECLARATION		ADDITIONAL INVENTOR(S) Supplemental Sheet	
		Page 3 of 3	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Radka		Mianova	
Inventor's Signature		Date	
Vancouver Residence: City		British Columbia State	Canada Country
605-1742 Robson Street		Canadian Citizenship	
Mailing Address		Date	
Vancouver City		British Columbia State	V6G 1E1 Zip
Canada Country			
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
James		Logie (on behalf of Radka Mianova)	
Inventor's Signature		Date Oct. 4/06	
Winnipeg Residence: City		Manitoba State	Canada Country
c/o Bureau Nutrescience (Inc) Corp., 1388 Walker Avenue		Canadian Citizenship	
Mailing Address		Date	
Winnipeg City		Manitoba State	R3T 1R9 Zip
Canada Country			
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	Country
Mailing Address		Citizenship	
City		State	Zip
Country			

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PSEs OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-785-9199) and select option 2.

OCT 18 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

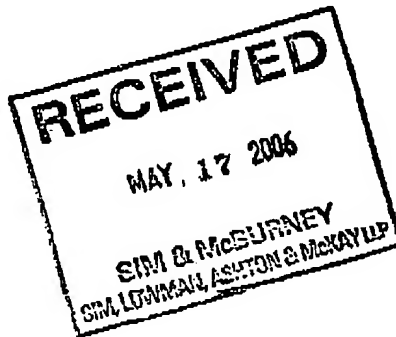
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/566,082	FIRST NAMED APPLICANT Brent E. Green	ATTY. DOCKET NO. 7865276MISjb
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INTERNATIONAL APPLICATION NO. PCT/CA04/01433

I.A. FILING DATE 07/30/2004	PRIORITY DATE 08/01/2003
--------------------------------	-----------------------------

24223
SIM & MCBURNEY
330 UNIVERSITY AVENUE
6TH FLOOR
TORONTO, ON M5G 1R7
CANADA



CONFIRMATION NO. 5501
371 FORMALITIES LETTER
OC000000018690716

Date Mailed: 05/05/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/27/2006
- Copy of the International Search Report filed on 01/27/2006
- Oath or Declaration filed on 01/27/2006
- U.S. Basic National Fees filed on 01/27/2006
- Priority Documents filed on 01/27/2006
- Specification filed on 01/27/2006
- Claims filed on 01/27/2006
- Abstracts filed on 01/27/2006
- Drawings filed on 01/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,082	PCT/CA04/01433	7865276MISjb

FORM PCT/DO/EO/905 (371 Formalities Notice)

OCT 18 2006

PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 7865-276 MIS	
Application Number 10/566 082		Filed	
For PROCES FOR PREPARATION OF FLAX PROTEIN ISOLATE			
Art Unit		Examiner	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ <u>1,590.00</u>
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 192253. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 24,973

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

October 18, 2006
Date

Michael I. Stewart
Typed or printed name

(416) 849-8400
Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one (1) forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 18 2006

PTO/SB/17 (01-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 260.00

Complete if Known

Application Number	10/566,082
Filing Date	
First Named Inventor	Brent E. Green
Examiner Name	
Art Unit	
Attorney Docket No.	7865-276 MIS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 192253 Deposit Account Name: Sim & McBurney

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) ☐ Credit any overpayments

☐ under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fees Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fees Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE:

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
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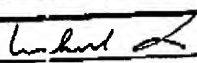
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Patition Fee (130.00) Surcharge Fee (130.00)

260.00

SUBMITTED BY	Registration No. 24,973	Telephone (416) 849-8400
Signature 	(Attorney/Agent)	Date October 18, 2006
Name (Print/Type) Michael I. Stewart		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl'n. No. : 10/566,082
Applicant : Brent E. Green
Title : PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE
Docket No. : 7865-276 MIS/jb
Customer No.: 24223
Date : October 18, 2006

BY FACSIMILE (571) 273-8300

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
U.S.A.

DECLARATION UNDER 37 CFR 1.47(a)

I, Michael I. Stewart of 1180 Carey Road, Oakville, Ontario, Canada, L6J
2E4 declare as follows:

1. I am registered to practise before the PTO under Registration
No. 24,973 and am responsible for the preparation, filing and prosecution of this
application.

2. This application names Brent E. Green, Rakda Milanova and
James Logie as co-inventors. The beneficial owner is Burcon Nutrascience (MB)
Corp. ("Burcon"). This application was filed on January 27, 2006 as a US National
Phase filing under 35 USC 371 from PCT/CA2004/01433 filed July 30, 2004.

3. When I reported out the filing of this application to my contact
person at Burcon's headquarters in Vancouver, I forwarded the Declaration and
Power of Attorney requiring execution by inventors Green and Logie to their
immediate supervisor, Martin Schweizer, at Burcon's research faculty in Winnipeg
with a copy of the reporting letter. I also forwarded the Declaration and Power of
Attorney requiring execution by the inventor Radka Milanova along with a copy of

Application No. 10/566,082
Declaration dated: October 18, 2006

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published PCT application for reference to Radka Milanova along with a copy of the reporting letter to her last known address. The last known address of Radka Milanova is:

605-1749 Robson Street
Vancouver, British Columbia
Canada, V6G 1E1.

I am attaching as Exhibit I, a copy of the letter addressed to my contact person.

4. I knew from dealings with respect to Application No. 10/517,987 that we had been unable to obtain the signature of Radka Milanova with regard to a Declaration and Power of Attorney on behalf of Lei Xu, a non-signing inventor in Application No. 10/517,987. I note that Radka Milanova signed the Declaration and Power of Attorney for Application No. 10/902,102, an application bearing the same title as this application and identical in technical content to this application. A copy of that Declaration and Power of Attorney document is enclosed as Exhibition II.

5. When I received no reply from Radka Milanova, I forwarded a follow up letter with a copy of the papers and a copy of that follow-up letter is appended as Exhibit III. No response has been received from Radka Milanova, consistent with her action with respect to Application No. 10/517,987. It is submitted that the pattern of activity by Radka Milanova is tantamount to a refusal by Radka Milanova to execute the Declaration and Power of Attorney for this application.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and

Application No. 10/566,082
Declaration dated: October 18, 2006

3

that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario, on 18th day of October, 2006.



Michael I. Stewart

EXHIBIT I (1 of 2)

Sim & McBurney

Patent and Trade Mark Agents

330 University Avenue
6th floor
Toronto, Canada
M5G 1R7

Telephone (416) 595-1155
Fax (416) 595-1163

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PATRICIA A. RAE
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LORRAINE M. FLECK
NICHOLAS J. CARTEL
SENIOR CONSULTANT
PETER W. MCBURNEY
TECHNICAL ASSISTANTS
KENNETH K. MA, Ph.D.

Please Quote
Our ref. 7865-266 to -277 MIS:jb

Your ref.

Writer's Direct Dial: (416) 849-8400

E-mail: mistewart@sim-mcburney.com

March 6, 2006

Margo Osinski
Burcon Group Limited
1946 West Broadway
Vancouver, British Columbia
V6J 1Z2

Dear Margo:

**RE: New National Phase Patent Applications
pursuant to PCT/CA2004/001433
PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE**

In accordance with your instructions, I have proceeded with National Phase applications in Australia, Brazil, Canada, China, Europe, Japan, South Korea, Mexico, New Zealand, South Africa, Russian Federation and United States of America. The National Phase applications are identified individually by file numbers, as follows:

Australia	7865-267	Brazil	7865-268
Canada	7865-269	China	7865-270
Europe	7865-271	Japan	7865-272
South Korea	7865-273	Mexico	7865-274
New Zealand	7865-275	South Africa	7865-266
U.S.A.	7865-276	Russian Federation	7865-277

The Canadian and US cases were filed with the same claims as the International application. I have prepared new sets of claims with respect to other jurisdictions and enclose a set of claims as filed in Australia, New Zealand and South Africa, a set of claims as filed in Europe, a set of claims as filed in Russian Federation and a set of claims as filed in Brazil, China, Japan, South Korea, Mexico.

- 2 -

I have sent the papers requiring execution by Brent Green and James Logie directly to Winnipeg Office with a copy of this letter. I have also directly forwarded documentation requiring execution by Radka Milanova with a copy of this letter.

The filing particulars for these applications will be reported to you when received. I will keep you advised of developments.

Yours very truly,

SIM & McBURNEY

By:

M.I.Stewart/jb
Enclosure(s)

cc: Martin Schweizer
Radka Milanova

EXHIBIT II (1 of 3)

PTO/SB/01 (10-05)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)Attorney Docket
Number

7865-278 MIS:jb

First Named Inventor

Brent E. Green

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

30/07/2004

as United States Application Number or PCT International

Application Number

PCT/CA2004/001433

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

if you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT II: (2 of 3)

PTO/SB/01 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input type="checkbox"/> The address associated with Customer Number:	<input type="checkbox"/> OR <input checked="" type="checkbox"/> Correspondence address below
Name Sim & McBurney		
Address 6th Floor, 330 University Avenue		
City Toronto	State Ontario	ZIP M5G 1R7
Country Canada	Telephone (416) 595-1155	Email mailsim@sim-mcburney.com

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)) Brent E.		Family Name or Surname Green	
Inventor's Signature		Date	
Residence: City Winnipeg	State Manitoba	Country Canada	Citizenship Canadian
Mailing Address 588 Rathgar Avenue		Zip R3L 1G4	Country Canada
City Winnipeg	State Manitoba	Zip R3L 1G4	Country Canada
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

(Page 2 of 2)

EXHIBIT II (3 of 3)

PTO/SE/02A (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet

Page 3 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Radka		Milanova	
Inventor's Signature		Date	
Vancouver	British Columbia	Canada	Canadian
Residence: City	State	Country	Citizenship
605-1749 Robson Street			
Mailing Address		Canada	
Vancouver	British Columbia	V8G 1E1	Country
City	State	Zip	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
James		Logie	
Inventor's Signature		Date	
Winnipeg	Manitoba	Canada	Canadian
Residence: City	State	Country	Citizenship
c/o Burcon Nutrascience (MB) Corp., 1388 Waller Avenue			
Mailing Address		Canada	
Winnipeg	Manitoba	R3T 1R9	Country
City	State	Zip	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address		Country	
	State	Zip	
City			

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

EXHIBIT III

Sim & McBurney

Patent and Trade Mark Agents

330 University Avenue
6th floor
Toronto, Canada
M5G 1R7

Telephone (416) 595-1155
Fax (416) 595-1163

MICHAEL I. STEWART
TONI POLSON ASHTON
JOHN H. WOODLEY
KENNETH D. MCKAY
TIMOTHY M. LOWMAN
STEPHEN M. LANE
PATRICIA A. RAE
DAVID A. RUSTON
LOLA A. BARTOSZEWICZ
ANDREW R.O. JONES
KIMBERLY A. MCMAHUS

LYNDA P.S. COVELLO
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ABIGAIL A. BROWNE
LORRAINE M. FLECK
NICHOLAS J. CARTEL
SENIOR CONSULTANT
PETER W. MCBURNEY
TECHNICAL ASSISTANTS
KENNETH K. MA, Ph.D.

Please Quote

Our ref. 7865-276 MIS:jb

Your ref.

Writer's Direct Dial: (416) 849-8400

E-mail: mistewart@sim-mcburney.com

July 10, 2006

Radka Milanova
605-1749 Robson Street
Vancouver, British Columbia
V6G 1E1.

Dear Radka:

RE: US Patent Application No. 10/566,082
pursuant to PCT/CA2003/000934
PROCESS FOR PREPARATION OF FLAX PROTEIN ISOLATE

Further to my letter of March 6, 2006 to Margo Osinski, a copy of which is enclosed, I do not appear to receive the executed papers and I enclose a new Declaration and Power of Attorney document for execution in the event the original one has been mislaid. We have until August 5, 2006 to file the executed Declaration, if further extension fees are to be avoided. I look forward to the return of the executed paper shortly.

Yours very truly,

SIM & MCBURNEY

By:

Michael I. Stewart/jb
Enclosure(s)

cc: Margo Osinski